

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**JOHN NG,**

**Plaintiff,**

**--against--**

**Docket #: 08 CV 2045 (DLC)**

**PLAINTIFF'S FIRST REQUEST  
FOR PRODUCTION OF  
DOCUMENTS**

**THE CITY OF NEW YORK, NEW YORK  
CITY HEALTH AND HOSPITALS  
CORPORATION, HARLEM HOSPITAL  
CENTER AND DETECTIVE ALEXANDER  
BROWN, SHIELD # 3009, IN HIS  
INDIVIDUAL CAPACITY AND AS A  
POLICE OFFICER FOR THE NEW YORK  
CITY HEALTH AND HOSPITAL  
CORPORATION,**

**Defendants.**

-----X  
**S I R S:**

**PLEASE TAKE NOTICE**, that the Defendants herein, pursuant to Rule 34 of the Federal Rules of Civil Procedure, are required to produce, and allow discovery, inspection and copying to be made by the Plaintiff, or the attorney for the Plaintiff, of the following items, writings and objects maintained, controlled or supervised by any of the Defendants, or their agents, servants and/or employees. In lieu of strict compliance with the terms and condition of this Notice, the undersigned will accept clearly legible photocopies of the said items if received by the undersigned at least five (5) days prior to the return date hereof, together with a letter from the attorneys for the Defendants advising as to the completeness of the items provided.

**PLACE OF DISCOVERY:**

Law Office of Pat Bonanno & Associates, P.C.  
222 Church Street, Poughkeepsie, New York 12601

**DATE AND TIME OF DISCOVERY:** September 2, 2008, 10:00AM.

That Defendants produce and permit plaintiff to inspect and to copy each of the following documents:

### **DEFINITIONS**

The word “document” is used broadly herein to refer to any handwritten, typewritten, printed, recorded, electronically transmitted, faxed, or e-mailed matter, including but not limited to correspondence, notes, memoranda, diaries, calendars, memoranda of telephone conversations, transcripts of telephone conversations, memo books, drawings, graphs, photographs, tape recordings and every other data compilation, including all forms of computer storage retrieval, or any other physical evidence in the possession or control of the Defendants or their attorneys. Provide the source, author, custodian and the location of each document. Set forth a precise description of the contents of each document.

#### **1. PLAINTIFF’S STATEMENTS**

Any and all statements, abstracts of recordings and/or writings taken by defendant(s), or by the defendants’ attorneys and/or agents from the Plaintiff with reference to the within litigation which are presently in the possession of any Defendant, their agent(s) and/or attorney(s).

#### **2. PHOTOS/MOVIES/VIDEOTAPES/AUDIOTAPES OF PLAINTIFF**

PLEASE TAKE NOTICE that the undersigned demands, on behalf of the Plaintiff, that you produce any and all surveillance materials, including but not limited to films, video-tapes, audio-tapes or photographs, depicting or alleging to depict, the Plaintiff, which you intend to use upon the trial of this action, now in your possession, custody or control, or in the possession, custody or control of the party which you represent in this action. This is a continuous demand. Should any such surveillance material come into your possession, custody or control, or into the possession, custody or control of the defendant which you represent in this action, after the date of this demand, demand

is hereby made that you produce such surveillance material at the undersigned's office for inspection and copying on the aforesaid date or within twenty (20) days after you, or said party, obtain possession, custody or control of same, whichever is later.

### **3. NAMES OF WITNESSES**

(a) Names and addresses, and

(b) Copies of witness statements, of any witness which the defendant intends to introduce at trial, whether servant, agent and/or employee of the defendant, or impartial, who will be claimed to be:

- i. Witness to any event in issue;
- ii. Witness to any condition or matter in issue;
- iii. Notice witnesses;
- iv. Witnesses to any matters pursuant to the allegations contained in Plaintiff's Complaint.

### **4. EXPERT WITNESSES**

The Plaintiff hereby demands that the defendants provide the following information:

- (a) Non-Medical witnesses:
- i. State the name and address of every expert retained or employed by you in anticipation of this litigation or preparation for trial whom you expect to call as a witness at the trial; and,
  - ii. The subject matter on which the expert is expected to testify; and,
  - iii. The substance of the facts and opinions to which the expert is expected to testify; and,
  - iv. A summary of the grounds for each such opinion; and,
  - v. A brief chronological resume of the witnesses' educational background and professional background, including the associations or societies of which the expert is a member; and,
  - vi. Whether each named expert will testify as an expert at the trial of this action.

**5. DOCUMENTS OBTAINED BY USE OF AUTHORIZATIONS SIGNED BY THE PLAINTIFF AND THROUGH INDEPENDENT INVESTIGATION BY DEFENDANTS.**

The Plaintiff hereby demands copies of all records and/or documents maintained or obtained by or on behalf of the defendant, including but not limited to those obtained through use of an authorization provided by the Plaintiff or by independent investigation, in the event that defendants intend to use such of any such documentation upon the trial of this action unless provided pursuant to this demand for discovery and inspection.

**6. WHERE THERE ARE MULTIPLE DEFENDANTS AND/OR CROSS CLAIMS AND/OR COUNTER CLAIMS BETWEEN DEFENDANTS AND/OR IMPEADED PARTIES. {IF APPLICABLE}**

- (a) Copies of all Notices for Discovery and Inspection and answers thereto;
- (b) Copies for all examinations before trial transcripts and notices for same;
- ©) Copies for all Notices to Admit and answers thereto;
- (d) Copies of all Notices to produce and answers thereto;
- (e) Copies of all Demands for Bill of Particulars and answers thereto.

**7. DOCUMENTATION REQUESTED**

(a) Complete personnel folder, including disciplinary records, maintained by Defendants pursuant to Defendant Detective Alexander Brown's employment with the City of New York.

(b) Complete personnel folder, including disciplinary records, maintained by Defendants pursuant to Defendant Detective Alexander Brown's employment with New York City Health and Hospitals Corporation.

- ( c) All communications, training materials, instructions, legal interpretations, manuals

and directions provided by the Defendants to Detective Alexander Brown from the date of his hire as an employee to his date of separation from service regarding arrest procedures, use of force, handcuffing and search and seizure.

(d) The complete file, all documents, reports and material maintained and/or prepared by Defendants pursuant to the investigation and arrest of Plaintiff by Defendants.

(e) Detective Alexander Brown's memo book entries for the date of September 27, 2006, and all other entries regarding or otherwise involving Plaintiff.

(f) Complete roll call roster for all Health and Hospitals police personnel assigned to Harlem Hospital during the hours of eight o'clock a.m. through four o'clock p.m. on September 27, 2006.

(g) All Command Log entries maintained by the Defendants pursuant to the arrest of Plaintiff.

## **8. CONTINUING DEMAND FOR INFORMATION REQUESTED**

The foregoing demands are continuing demands. In the event that any of the above items are obtained after service of this demand or responses thereto, including but not limited to up until the date of trial, the defendants are to furnish the aforementioned within ten (10) days of receipt or immediately upon receipt of information herein demanded if upon the eve of trial. In the event the defendant fails to provide the aforementioned in a reasonable time prior to trial, an application will be made for an order precluding the offering of said testimony and/or exhibits and for such other and further relief as may be deemed appropriate in the circumstances, including sanctions, court costs and legal fees and expenses.

**PLAINTIFF RESERVES THE RIGHT TO AMEND AND/OR SUPPLEMENT THIS  
NOTICE OF DISCOVERY AND INSPECTION PURSUANT TO LAW**

Dated: Poughkeepsie, New York  
August 11, 2008

Yours, etc.

Law Office of Pat Bonanno & Associates, P.C.  
222 Church Street  
Poughkeepsie, NY 12601  
(845) 473-0427

By: \_\_\_\_\_/s Thomas M. Gambino\_\_\_\_\_  
THOMAS M. GAMBINO (TG6332)

AFFIRMATION OF SERVICE BY MAIL

I, Thomas M. Gambino, an attorney duly admitted to practice before the courts of this State, affirms under penalty of perjury that, on August 11, 2008, I served a copy of the within Demand for Interrogatories by depositing the same, enclosed in a first class postage paid properly addressed wrapper in an official depository under the exclusive care of the United States Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

Corporation Counsel of the City of New York  
Attn: Johana V. Castro, Esq.  
100 Church Street  
New York, NY 10007

Dated: Poughkeepsie, New York  
August 11, 2008

\_\_\_\_\_/s Thomas M. Gambino\_\_\_\_\_  
THOMAS M. GAMBINO, Esq.(TG6332)